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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,765	04/06/2006	Rolf Strub	PP/17-22961/A/PCT	2526

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EXAMINER

RUDAWITZ, JOSHUA I

ART UNIT	PAPER NUMBER
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3652

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,765	Applicant(s) STRUB ET AL.	
	Examiner Joshua I. Rudawitz	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/10/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the reference to claims in the specification, lines 1 and 2 for example, is not accepted as claim numbers change through the prosecution of the application and may not be the same if the application is allowed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "sluice means" in claims 1-9 is used by the claim to mean "channel" or "chamber", while the accepted meaning is "an artificial channel for conducting water, with a valve or gate to regulate the flow." The term is indefinite because the specification does not clearly redefine the term.

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5. Claim 5 recites the limitation "the tubular sluice means" in line 1 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

6. Claim 8 recites the limitation "the washing liquid" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riemens et al (NL1015987C) in view of Schmidt et al. (U.S. Patent No. 6,293,318).

With regards to claims 1-2:

Riemens et al. (Riemens) discloses a method for emptying big bags including the method steps of inserting the big bag 8 from above into a vertically arranged channel 5 which is sealable from the surroundings; cutting open 7 the big bag with a cutting means on the lower section of the channel; transferring the empty big bag into a removal zone in the channel where the big bag is compressed and inserted into a plastic sack attached to the channel; the big bag is inserted into the channel and sealed off from its surroundings; and the big bag is lifted into the tubular channel into a removal zone by a removing bow 21 over a removal opening under which is the plastic sack 17.

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Riemens fails to disclose a transporting unit being set down on the sluice means and a processing container for receiving the contents of the big bag.

Schmidt et al. (Schmidt) discloses a processing container 3 for receiving the contents of the big bag and a transporting unit 14 being set down on the sluice means in order to allow for larger and heavier bags to be lifted than manually. Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of invention, to include Schmidt's transporting unit step in Riemens method in order to allow for larger and heavier bags to be lifted than manually.

With regards to claims 4-6 and 9:

Riemens discloses an arrangement for emptying big bags including a channel 5 that is sealable from its surroundings, arranged vertically, and has a cutting means 7 in the bottom of the channel; a removing means 16 through which the big bag is removed and compressed; the removing means includes a removing bow 21 which is horizontally movable inside the channel and under whose end position is the removal opening 11 in a lateral projection of the channel; over the removal opening there is at least one cylinder 12 for clamping the big bag and at least one cylinder 16 for expelling the big bag.

Riemens fails to disclose a transport unit with a transport plate able to move relative to the transport unit, and the transport unit seals the channel; there is a processing container under the channel; the transporting plate is directly

joined to a crane by a cable and the transporting plate and the transporting unit are telescopically connected.

Schmidt discloses a transport unit 14 with a transport plate 15 able to move relative to the transport unit, and the transport unit seals the channel; there is a processing container under the channel; the transporting plate is directly joined to a crane by a cable, by 16, and the transporting plate and the transporting unit are telescopically connected, one within the other, in order to allow for different sized bags to be used in the unit and therefore increase the versatility. Therefore it would have been obvious to a person having ordinary skill in the art, at the time of invention to include Schmidt's transport unit and transport plate combination and processing container with Riemens arrangement in order to allow for different sized bags to be used in the unit and therefore increase the versatility.

Allowable Subject Matter

9. Claims 3, 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The potentially allowable subject matter overcomes the closest prior art of record in the limitations requiring a slider to seal off a washing zone in the channel.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached PTO-892.

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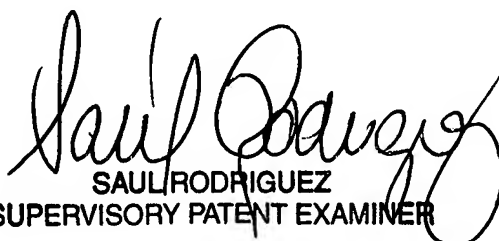
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua I. Rudawitz whose telephone number is 571-272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JIR



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